

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. CERTIFICATION REQUIREMENT RELATING TO
TRAFFICKING IN GOODS OR SERVICES THAT CONTAIN COUNTERFEIT
MARKS.**

(a) Amendments- Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended--

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

**SEC. 620K. CERTIFICATION REQUIREMENT RELATING TO
TRAFFICKING IN GOODS OR SERVICES THAT CONTAIN COUNTERFEIT
MARKS.**

`(a) Bilateral Assistance- Assistance to a nongovernmental organization may be provided under this Act or any other Act for a fiscal year only if the nongovernmental organization and each subrecipient of the assistance first submits to the Government of the United States a certification described in subsection (c).

`(b) Multilateral Assistance- Voluntary and assessed contributions to an international organization may be provided under this Act or any other Act for a fiscal year only if the international organization and each subrecipient first submits to the Government of the United States a certification described in subsection (c).

`(c) Certification- A certification described in this subsection is a certification that the assistance described in subsection (a) or voluntary or assessed contributions described in subsection (b), as the case may be--

`(1) will not be used to intentionally traffic in goods or services that contain counterfeit marks; and

`(2) will not be used to provide goods or services that are unauthorized by the owner or holder of the intellectual property rights (including trademarks, copyrights, and trade secrets) in such goods or services.

(d) Suspension and Termination of Assistance- The President shall suspend or terminate--

(1) assistance described in subsection (a) with respect to a nongovernmental organization or subrecipient, or

(2) voluntary or assessed contributions described in subsection (b) with respect to an international organization or subrecipient,

in whole or in part if the President determines that any activity has occurred in violation of a certification made under subsection (c) with respect to which the assistance or voluntary or assessed contributions, as the case may be, relates.

(e) Definition- In this section, the terms 'counterfeit mark' and 'traffic' have the meanings given those terms in section 2320 of title 18, United States Code.'

(b) Effective Date- The certification requirements under section 620K of the Foreign Assistance Act of 1961 (as added by subsection (a) of this section) apply with respect to the provision of assistance to nongovernmental organizations and

voluntary and assessed contributions to international organizations for fiscal year 2007 and subsequent fiscal years.

